

## POINTS IN SCHLEY'S FAVOR

Strong Testimony in His Behalf is Given by Lieut. Doyle, Who Praised the Admiral's Conduct While Under Fire From the Spanish Warships.

Washington, Oct. 3.—After Lieutenant Doyle, formerly of the Commodore Schley's flagship, the Brooklyn, had completed his testimony before the Schley court of inquiry today, Captain William C. Dawson of the marine corps was called and was followed by Lieutenant Charles W. Dyson of the bureau of steam engineering of the navy department.

Captain Dawson was signal officer on board the battleship Indiana during the naval engagement off Santiago, and he gave an account from recollection of the behavior of the various ships of the American fleet during the battle. He said the Brooklyn had gone about 2,000 yards to the southward before coming in the pursuit of Cervera's ships.

Lieutenant Doyle was introduced to testify concerning the coal supply of the flying squadron, but the court adjourned for the day before he could be heard to any extent.

Both the court and counsel are beginning to show the effects of the arduous duties imposed by the trial. Especially severe is it upon the attorneys, both for Admiral Schley and for the navy department. The court does not cease when the court adjourns in the afternoon, but they extend far into the night, and often they are found at their labors before breakfast the next morning. The trial presents new points to all of them, and its various turns bring to light fresh questions which have the effect of rendering it more trying than an ordinary case would be.

Many Witnesses to be Called.

But while all agree that it would be desirable to have the case terminated at an early day, they also agree that there is little prospect in that direction. Judge Advocate Lemly probably will not call more than six or eight witnesses, but Mr. Raynor has almost forty names on his list. He says, however, that he does not expect to examine more than half of this number. Still he will not undertake to name a day for the close of the trial within a month from this time. He does not expect to call Admiral Schley to the witness stand for some time yet. Mr. Raynor expects his client to make a complete review of the case, and it is probable that the admiral will be on the stand longer than any other witness.

Captain Sigbee was the first of yesterday's witnesses. He testified for the purpose of correcting his testimony. Capt. Sigbee stated that he had made another search of the log after the dispatch from the navy department, under the terms of which he sought to connect with the flying squadron off Santiago, and that he had found a private letter which he had written at the time, in which he said: "Until we sighted the vessels on the 25th we knew nothing positive as to their whereabouts."

Lieutenant Doyle on the Stand.

Lieutenant Doyle then resumed his testimony, begun yesterday. He was examined by Mr. Raynor. He continued in reply to questions to give a narrative of the battle. Mr. Raynor asked whether the Brooklyn had engaged in any bombardments during the month of June, 1898, but Judge Advocate Lemly and Mr. Hanna objected on the ground that the question was similar to the question asked yesterday concerning the blockade after the arrival of Admiral Sampson.

Mr. Raynor said that his purpose was to show only what the Brooklyn had done, and that it did not in any way concern what the New York had done. His purpose, he said, was to show what had been done toward developing the strength of the shore batteries. "I know what the ruling of the court means," he said, "and how respectfully to it."

Admiral Dewey said that if the question was confined to the Brooklyn there could be no objection. The question was then asked as to what the Brooklyn learned concerning the shore batteries as a result of any bombardments in which she had participated in June.

Before a reply could be given, the court retired for consultation. At the conclusion of the conference Mr. Raynor changed his question so as to read as follows:

"What do you know from your own observation in reference to the strength of the shore batteries and the guns? I want the result of your observation at Santiago, acquired by you at any time without coming into any general or specific details as to the bombardment."

Replying, Lieutenant Doyle said that at the bombardment which had taken place June 1, the Zopaca battery had replied at first very spiritedly, but that it soon "went out of business." After the ships withdrew the enemy had again manned their guns and then shot at the ships. On the occasion of the second bombardment they did not remain so long. "They always took a snap shot at us as we left," he said.

Schley Under Fire.

Mr. Raynor then asked Lieutenant Doyle how often he had seen Commodore Schley under fire during the Santiago campaign.

"Every time we were under fire," he replied, "during those bombardments and in the battle of July 3."

"What was his conduct?" I refer you to the first specification of the precept; his conduct in connection with the Santiago campaign, and what was his conduct and bearing at any time either during the bombardment or during the battle of July 1, when his ship was under fire."

"I did not have an opportunity, as the commodore was always near about the commanding tower, to observe his conduct during the battle, but immediately previous and after I did have an opportunity to do so. He always struck me as being just about as well posted as it was possible for anybody to be under those circumstances."

Mr. Raynor then asked the witness whether on July 2, 1898, he had observed smoke coming from Santiago harbor over Zopac hill.

Captain Lemly objected and Mr. Raynor said that his purpose was to prove that it was believed at that time that the Spaniards were preparing to withdraw from the harbor and that Commodore Schley had communicated the facts to the squadron. It was important he said, to prove the conduct of the commodore under the department's precept.

Captain Lemly and Mr. Hanna contended that the certain effect of these questions would be to open the gates for an interminable inquiry and if one side should enter on such questions, the other must also be allowed to do so. They did not object except for the reason of the time involved.

Would Open Doors Wide.

Captain Barker announced his willingness to "open the door wide." He wanted the entire matter investigated and would have the searchlight turned upon every individual from the commander-in-chief to the lowest officer in the fleet.

Mr. Raynor was then permitted to ask a question, which he did in the following words:

"Smoke was observed on July 2 from the harbor on July 2 and now is and always was at night that the smoke was observed to the com-

mander-in-chief to the lowest officer in the fleet."

Mr. Raynor then asked the witness whether on July 2, 1898, he had observed smoke coming from Santiago harbor over Zopac hill.

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went ashore the Colon, by working up inside of the other Spanish ships, had secured a very long lead. I should say she was at least five or six miles, perhaps more, on our starboard bow, well in shore. The order was given to "ease firing and to come out of the turrets and take a 'spell' during the chase of the Colon."

"The Oregon, during that chase and while we were on the top of the turret, was directed to try her thirteen-inch guns in the chase, which she did, and the shots fell short. In a little while they were tried again, and came a little closer."

Admiral Dewey—Directed by whom?

By Commodore Schley, sir, by wireless signal, as I remember it."

Admiral Dewey—You saw that signal?

"Yes, sir; I saw the signal being made."

Admiral Benham—Did you read the signal?

"I did not, but I understood what it was, and if I am not mistaken it was, 'Ease firing and to come out of the turret and take a 'spell' during the chase of the Colon.'"

Search For Spanish Fleet.

Captain Lemly asked what efforts had been made by the flying squadron to discover the whereabouts of the Spanish fleet while the squadron lay off Cienfuegos before the arrival of Captain McClellan.

The witness replied that there had been no effort except in making inquiries of the captain of the British vessel Audula.

Captain Lemly then asked a number of questions. The first of these called for an explanation of what the witness meant yesterday when he said he thought that just after the beginning of the battle of July 3 there was a prospect of a "melee."

"I thought," responded the witness, "that the ships were coming right toward us. I thought they would get into us, and I thought we would have a mix-up, as they were about 1,400 yards distant."

Judge Advocate—Do you mean that the course of the Brooklyn took her across the Spanish line and that she necessarily misadvised so as to make a turn to avoid that?

"That is what I mean."

"What orders were given by signal from the Brooklyn to the fleet during the action of July 3?"

"I do not know, except what I have already testified to about the wig-wag."

"You have stated that while you were on top of the starboard turret it looked very much as though there was going to be a general melee or mix-up with the Spanish ships. I want you to give as nearly as possible the relative positions of the vessels, Spanish and American, to the Brooklyn at the time referred to."

Position of Fleets.

"At the time I referred to, the Spanish ships were in column, standing right toward us, and about a point on our starboard bow."

By the Court—What direction did the Spanish ships take immediately after clearing the entrance to the harbor?"

"The first one must have been south-west. They steamed right toward us, and then they turned right toward us."

"Were they firing at you?" asked Mr. Hanna.

"They were certainly firing in our direction," was the response.

The witness said that after that the firing was from both sides of the bows of the enemy's vessels.

"How sure," asked Mr. Hanna, "do you feel of your recollection as to the way they were headed at that time?"

"That is one of the things that most firmly impressed itself on my mind."

Lieutenant Doyle said that he had made his observations of the battle through the peep-hole from the sliding head, and again related how the enemy had been cut off from his vision by the smoke of one of the Brooklyn's big guns. The cross-examination upon these incidents was in progress when the court took its midday recess for luncheon.

The afternoon session began with inquiries concerning the wig-wag signal to the Oregon from the Brooklyn to fire her thirteen-inch guns. The witness said that he was sure he had seen the signal made, but that he was unable to find an entry of the signal in the ship's log.

He then told of the action of the Brooklyn in running south shortly after the battle began, saying that he thought the vessel was disabled and was retreating from action. Later he said the Brooklyn steered a course parallel to a mile or a mile and a half to the southward, skirting along the column formed by the fleet. By that time the chase was well under way and the relative positions of the vessels were not changed.

Mr. Raynor's cross-examination of Captain Dawson was directed toward showing that his testimony was based upon recollection and that consequently he was liable to be inaccurate.

When Captain Dawson was excused, Lieutenant C. W. Dyson of the bureau of steam engineering, navy department, was introduced to present a tabulated statement showing the amount of coal on board the vessels of the flying squadron from May 18 to June 1, 1898, as compiled from the log books of the various vessels, but at 3:50 p. m. the court adjourned for the day, before the tables could be presented.

A Cup of Lane's Tea at Night.

Moves the jewels next day, and its continued use will cure habitual constipation, sick headache and indigestion. It will do you more good, and cost you less money than any other medicine on earth. Your druggist will refund you the purchase price if you are not satisfied. Price, 25c and 50c a package. For sale by Godde-Pitts Drug company.

Condition of the Treasury.

Washington, Oct. 3.—Today's statement of the treasury balances in the general fund, exclusive of the \$10,000,000 gold reserve in the division of redemption, shows: Available cash balance, \$16,945,831.04; \$101,774,071.

ROYAL Baking Powder Absolutely Pure.

## ROBBED BY A STRANGER.

R. H. Ralston Believes He Was Drugged.

As a result of befriending a needy stranger, R. H. Ralston, a miner from Wyoming, awoke yesterday morning to find that the stranger had drugged him, robbed him of \$73 and left him a penniless victim of misplaced confidence. At least, this is the story related to the police yesterday by Ralston. The name of the ungrateful stranger was given by Ralston as True Leech, and Ralston thinks he was appropriately named.

Ralston's story to the police was that he came here a few days ago from the Aspen tunnel in Wyoming with Leech and another man, who had been working with him and who, he thought, were friends. Wednesday the third man, he said, left the city because he was short of cash, but Leech stayed with him. Ralston engaged a room in a West Third South street rooming house and claims that he promised to bear the expenses of his supposed friend until the latter secured work. Ralston claimed that when he retired Wednesday night he had \$70 in a sack tied around his neck and \$3 in silver in a purse. When he awoke yesterday morning he found the money gone and Leech also missing. He said he seemed to be in a stupor and was confident he had been drugged. He gave a description of Leech and the officers are looking for him.

Called Officer a LIAR.

Sensational Incident During Trial of Mr. Wilson.

Marguerite Williams, the French woman who was arrested a few mornings ago on a charge of keeping an opium joint on Commercial street, caused a mild sensation in police court yesterday afternoon by denouncing Officer Roberts as a liar while he was testifying. The incident occurred during the trial of the woman on a charge of keeping an opium den. Officer Roberts was testifying about a conversation alleged to have taken place between the woman and Officer Hempel. Roberts stated that the woman had told Hempel that she was the proprietress of the resort, that she had given Wilson the money to pay the rent, and that Wilson lived there.

As the officer finished his statement the woman suddenly shouted, "He lies!" but Attorney Wanless silenced his client. Judge Diehl informed her that she would land in jail for contempt of court if she were guilty of any such conduct again.

The defense sought to prove that Wilson was the proprietor of the resort from which the prisoners had been taken, but upon the evidence of the prosecution the woman was found guilty and fined \$20, which she paid.

F. Williams, who was found in the resort, was found guilty of resorting to an opium den and sentenced to twenty days. The case against Frank Wilson, charged with resorting to the same house, was continued until today.

KEYS TO HIS ROOMS.

Frank Wilson Says He Had No Burglar's Tools.

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introduced to show that Wilson had been engaged in no legitimate business since being in the city. The defense maintained that the keys were keys to rooms occupied by defendant. The case was taken under advisement until today.

A Few Pointers.

The recent statistics of the number of deaths show that the large majority die with consumption. This disease may commence with an apparently harmless cough which can be cured instantly by Kemp's Balsam for the Throat and Lungs, which is guaranteed to cure and relieve all cases. Price, 25c and 50c. Trial size free. For sale by Godde-Pitts Drug company.

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**A GOOD** judge must have both experience and learning. A housekeeper should be a good judge for she too must have experience and learning or she may think that the soaps made to look like Ivory Soap are just as good. With experience she will know that they lack the remarkable qualities of the genuine. Ivory Soap—99 1/4 per cent. pure.

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